

REMARKS

The present Reply is intended to be fully responsive to all points of objection and rejection raised by Examiner and is believed to place the application in a condition for allowance. Applicant respectfully requests withdrawal of the finality of the office action and reconsideration of the claims in view of the preceding amendments and following remarks.

Claims 1 and 3-21 are now pending in the present application. Claims 1 and 11 are amended while Claim 2 is cancelled by this reply.

Claim 1 Amendments

Claim 1 is amended to incorporate the limitations of previously allowable Claim 2 (see Examiner Claim Objections below). Claim 2 is, therefore, cancelled as redundant.

Claim 11 Amendments

Claim 11 is amended to more accurately depict the disclosed invention and not to overcome any prior art reference cited by Examiner. Because it is dependent on Claim 1, Claim 11 incorporates the limitations of Claim 1 and is, therefore, further limiting in its amended state. Claim 1 is patentable for the reasons as stated below.

CLAIM OBJECTIONS**Claims 2, 3, and 5-11**

Examiner objected to dependent Claims 2, 3, and 5-11 as being dependent upon a rejected base claim (i.e., Claim 1). However, Examiner would allow these objected claims if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant has amended independent Claim 1 to include the limiting language of Claim 2. Consequently, Claim 2 has been cancelled as redundant. Applicant believes that amended Claim 1 is the equivalent of rewriting dependent Claim 2 in independent form per Examiner's recommendations. As such, Claim 1 is now in a condition for allowance. Moreover, dependent

Claims 3 and 5-11 incorporate fully the limitations of allowable amended independent Claim 1 and are also believed to be in a condition for allowance. Applicant respectfully requests withdrawal of Examiner's objections of these claims and allowance of the claims as presented herein.

CLAIM REJECTIONS – 35 U.S.C. § 102

Claims 1 and 4

Examiner rejected claims 1 and 4 under 35 U.S.C. § 102(e) as being anticipated by Tancevski (US 2006/0092958). More specifically, Examiner stated:

In regards to claim 1, Tancevski discloses a network comprising: a plurality of data channels (figure 2 element 24); a control channel (fig. 2.22); tokens which pass between nodes on the control channel (fig. 4.30); wherein tokens advertise availability of receivers at a destination node and notify a source when a transmission did not succeed (paragraph 27).

In regards to claim 4, Tancevski discloses the network of claim I, wherein each node of the network has fewer transmitters and receivers than data channels (Paragraph 27 indicates some or all stations are tunable to only a subset of the channels).

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990).

In response to Examiner's § 102 rejections, Claim 1 is amended to incorporate the limitations of Claim 2. Claim 2 is novel over Tancevski, as evidenced by Examiner's willingness to allow the claim if rewritten in independent form. Claim 1 now includes the element, "wherein nodes evaluate the tokens to determine if a data payload is destined for and substantially simultaneously arriving at that node on one of the data channels." Tancevski fails to disclose this element. Therefore, Tancevski fails to teach every element of amended Claim 1. Accordingly, Claim 1 is novel despite Examiner's cited reference.

Moreover, Claim 4 is dependent upon amended Claim 1 and incorporates all of the limitations of Claim 1. Because Claim 1 is novel over Tancevski, Claim 4 is novel as well. Applicant believes amended Claim 1 and original Claim 4 are novel and patentable over

Examiner's cited reference. Withdrawal of the rejections and allowance of the claims is respectfully requested.

CONCLUSION

Applicant has adopted the Examiner's suggestions, where applicable, and believes the claims are now in condition for allowance. It is respectfully urged that the subject application is patentable over references cited by Examiner. Applicant requests withdrawal of the finality of the office action and reconsideration and allowance of the claims as presented herein. If there are any outstanding issues that the Examiner feels may be resolved by way of a telephone conference, Examiner is cordially invited to contact David W. Carstens at 972-367-2001.

The Commissioner is hereby authorized to charge any shortages or credit any overpayments to Deposit Account 50-0392.

Respectfully submitted,

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